

Otero County Sheriff's Office policy 4.411  
**Use of Force**

**The Otero County Sheriff's Office has adopted the reactive control model (RCM) as the standard used for training and evaluation of field performance.**

**The use of deadly force shall refer to force which is likely to cause great bodily harm or death. The deliberate discharge of a firearm is the use of deadly force.**

**The use of deadly force to prevent the escape of all felony suspects is constitutionally unreasonable, where the suspect poses no immediate threat to the deputy or others, or the harm resulting from failing to apprehend the suspect does not justify the use of deadly force.**

**A deputy may not seize an unarmed, non-dangerous suspect by shooting him. Where the deputy has probable cause to believe that the suspect poses a threat of serious physical harm either to the deputy or others, it is not constitutionally unreasonable to prevent escape by using deadly force.**

**If the suspect threatens the deputy with a weapon or there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if feasible some warning has been given. WARNING SHOTS ARE NOT AUTHORIZED.**

**Deliberate care should be taken with the aim and direction of fire so as not to jeopardize innocent persons or property.**

**A deputy may not fire a weapon at a driver of a moving vehicle unless doing so would save himself or another from possible serious injury or death.**

**Deputies will not intentionally place themselves in the path of a fleeing vehicle and then in self-defense fire upon the vehicle and or its occupants.**

**A deputy shall use the amount of force necessary and reasonable to perform his / her duties. The continued use of force once a suspect has stopped resisting is prohibited.**

**Force of any degree is a privilege to be exercised by a deputy as a last resort. This privilege is withdrawn when resistance ceases.**

**Oleoresin Capsicum (Capstun)**

**Capstun is authorized for carry and use by deputies only after being trained. The use of capstun is allowed when verbal or empty hands techniques fail. When the use of capstun is required the deputy must render first aid in accordance with training.**

#### Kubaton

**The kubaton is authorized for use by deputies after receiving training. Use of the kubaton will be within training guidelines.**

#### ASP

**The ASP may be carried by department personnel only after receiving training. Use of the ASP will be within training guidelines.**

#### Flashlight / Kelight / Maglight

**Those policies which apply to the use of the ASP also apply to the use of a flashlight as a defensive weapon.**

#### Guidelines

**Slappers, blackjacks, sapgloves, claws, flashlights capable of giving electrical shock and other such weapons will not be carried by members of this department.**

**Striking a person's head with any implement will be avoided. Blows to the throat, neck and arm pit will be avoided unless the deputy is in danger of receiving great bodily harm.**

**All other instruments of self-defense will be used only as a last resort.**

**In all instances where physical force or defensive actions are used where injury to the suspect and or the deputy occurs, the deputy shall write an offense report and a supplementary report of the incident within 24 hours of the incident.**

**The offense report will give a brief description of the events.**

**The supplementary report must include a detailed description of the events leading to the resistance or use of defensive action, the amount and type of action used, the nature and extent of injuries to the deputy and suspects, the identity of combatants, deputies involved, witnesses, and any other pertinent information.**

**If a deputy is unable to write the report due to injury an offense report will be written by the assisting deputy and the supplemental report will be written by the on duty supervisor.**

**In all instances where the use of force includes the discharge of a firearm, the deputy will immediately notify his immediate supervisor. The supervisor will notify the Sheriff, Chief Deputy and on call investigator.**

Otero County Sheriff's Office policy 4.412

#### **Post Shooting**

A deputy involved in a shooting will be placed on administrative duties or leave with pay and be examined by a mental health professional prior to return to normal duty. A deputy involved in a shooting resulting in death or serious injury shall be required to consult with a psychologist (approved and paid for by the Department) prior to returning to duty. Employees involved in a traumatic situation and / or showing signs of distress may be required to be relieved of duty or reassigned pending an examination by a psychologist approved by the County.

Otero County Sheriff's Office policy 4-436

#### **Taser**

Taser non-lethal weapons are authorized for carry and use by deputies after receiving training from a certified instructor. Uniformed Deputies successfully completing the mandatory training and being issued a Taser shall carry the Taser while on duty.

Taser non-lethal weapon use is authorized at the same level of force required for the use of oleoresin capsicum (chemical agents) as indicated by the reactive control model.

Deployment and post deployment policies, as stated in section 4-437, shall be followed.

The Taser non-lethal shall be deployed in accordance with the training provided by the manufacturer of the weapon, department instructors, and or the NMLEA. Only Taser non-lethal weapons and cartridges issued by the department shall be carried or used.

Taser non-lethal weapons are not a replacement for the firearm or any other non-lethal weapons authorized by the department.

Taser non-lethal weapons when activated emit an electrical charge therefore, its use shall be avoided in areas containing flammable vapors and or an explosive hazard. The Taser non-lethal weapon will not be utilized if oleoresin capsicum has been deployed.

Deputies shall announce their intent to deploy the Taser non-lethal weapon prior to deployment with the warning announcement "Taser Taser". This is to ensure that the taser non-lethal weapon deployment report is not mistaken for a firearm being discharged.

Deputies shall adhere to the following procedures when Taser non-lethal weapons are deployed.

The on duty supervisor will be immediately notified.

Any injuries, and all areas of exposure to the Taser non-lethal weapon shall be photographically documented.

The expended probes, cartridges, and at least two id tags shall be recovered and placed into evidence. The probes shall be treated as sharps with a potential of bio hazard.

A Taser non-lethal weapon use report form shall be completed and forwarded to the Taser instructor.

**Do not attempt to remove probes if subject is combative, or if the location of the probe is in a soft tissue area, IE face, ear, neck, breast, groin, or if imbedded in bone. Removal of probes from these areas require medical attention.**

**Deputies who are Taser certified may remove probes from all other exposure areas.**